

Shaping the 21st Century Role of the National Guard and Reserves

Testimony of James Jay Carafano, Ph.D.
before the
Commission on the National Guard and Reserves
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Dr. Carafano is one of The Heritage Foundation's leading scholars in defense affairs, military operations and strategy, and homeland security. Recognizing that the war against terrorism will be a protracted conflict, his research focuses on developing the national security that the nation needs to secure the long-term interests of the United States—protecting its citizens, providing for economic growth, and preserving civil liberties.

An accomplished historian and teacher, Dr. Carafano was an assistant professor at the U.S. Military Academy in West Point, N.Y. and served as Director of Military Studies at the Army's Center of Military History. He also taught at Mount Saint Mary College in New York and served as a fleet professor at the U.S. Naval War College. He is a visiting professor at the National Defense University and Georgetown University.

Dr. Carafano is a member of the National Academy's Board on Army Science and Technology, the National Defense Transportation Association's Security Practices Committee, and is a Senior Fellow at the George Washington University's Homeland Security Policy Institute.

He is the coauthor of *Winning the Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom*. Looking at both history and the current policies for waging the global war on terrorism, this study argues that a successful strategy requires a balance of prudent military and security measures, continued economic growth, and the zealous protection of civil liberties. The book also highlights the ideological dimensions of the struggle, describing how the United States can and must win the "war of ideas" against terrorist ideologies.

In addition, Dr. Carafano is the coauthor of the text book, *Homeland Security* published by McGraw-Hill. *Homeland Security* is a practical introduction to everyday life in the new era of terrorism. Numerous key details are addressed, from roles of first responders and volunteers to family preparedness techniques to in-depth descriptions of weapons of mass destruction. Chapters examine infrastructure protection and business continuity, along with operations, tactics, and weapons of terrorist groups.

Dr. Carafano was also the principal author of the budget analysis in the 2003 Independent Task Force Report, *Emergency Responders: Drastically Underfunded, Dangerously Unprepared*, published by the Council on Foreign Relations. He was also a contributing author to the National Academies Army Science and Technology for Homeland Security 2004 report and co-director of the task force report, *DHS 2.0: Rethinking the Department of Homeland Security*.

His works on military history include: *Waltzing Into the Cold War*, published in 2002 by Texas A & M University; *After D-Day*, a Military Book Club main selection published in

2000 by Lynne Rienner; and *GI Ingenuity: Improvisation, Technology, and Winning World War II*, forthcoming from Praeger (Summer 2006).

As an expert on defense, intelligence, and homeland security issues, he has testified before the U.S. Congress and has provided commentary for ABC, BBC, CBS, CNBC, CNN, C-SPAN, Fox News, MSNBC, NBC, SkyNews, PBS, National Public Radio, The History Channel, The Voice of America, and Australian, Austrian, Canadian, French, Greek, Hong Kong, Japanese, and Spanish television. His editorials have appeared in newspapers nationwide including USA Today, The Washington Times, The Baltimore Sun, The New York Post, and The Boston Globe.

Dr. Carafano joined Heritage after serving as a senior fellow at the Center for Strategic and Budgetary Assessments, a Washington policy institute dedicated to defense issues.

Before that, he served 25 years in the Army, rising to the rank of lieutenant colonel. His areas of expertise included military strategy, joint operations, future combat systems, post-conflict operations, and nuclear weapons. During his service, Dr. Carafano served in Europe, Korea, and the United States and was head speechwriter for the Army Chief of Staff, the service's highest-ranking officer. Before retiring, he was executive editor of *Joint Force Quarterly*, the Defense Department's premiere professional military journal.

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Mr. Chairman and other members of the commission, thank you for the opportunity to testify before you today. I would like to focus my remarks on the implications of the lessons learned from the local, state, and federal response to the aftermath of Hurricane Katrina, particularly in light of the findings and reports by the House Homeland Security Committee, the White House Homeland Security Council, and the Senate Homeland Security and Government Affairs Committee. Together, I believe these reports make the case for a more deliberate and structured effort from the Department of Defense for disaster response, a response centered on the National Guard and Reserve. In my testimony, I would like to (1) review the findings of major reports on the Katrina disaster and discuss their implication for the Guard and Reserves; (2) define the critical federal missions and capabilities needed in the Guard and Reserves for domestic response; (3) describe the organizations needed to provide them; (4) discuss the role of state defense forces; and (5) evaluate the policy and legislative changes required to implement these initiatives.

Where We Stand

The reports of both houses of Congress and the Homeland Security Council argue that coordination between the Departments of Defense and Homeland security are inadequate. In particular, they point to a lack of sufficient deliberate planning and formalized command and control. This finding is symptomatic of a significant shortfall in the federal response to disasters. At every level of government the National Response Plan demands an incident command system be established to serve as the focal point for organizing operations, logistical support, and information operations, every level except the federal government. In addition, at the federal level, agencies are tasked to provide commodities and services based on emergency support functions. There are currently 15 emergency support functions (ESFs) within the National Response Plan. Most of these ESFs reflect a narrow view of federal assistance to state and local governments during crises. When a catastrophe strikes, the federal government must provide the assistance that states and municipalities actually need—a package of goods and services, a means to get them there and employ them efficiently—regardless of whether this assistance fits neatly into one or another ESF. Additionally, most of the capabilities are not allocated under formal plans, rather agencies respond piecemeal to requests based on what they believe they can or cannot provide at the time. Katrina demonstrated this system is inadequate.

Fundamentally, the reports make the case for three reforms (1) establishing a more deliberate planning process; (2) creating packages of operational capability for disaster

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response; and (3) maintaining assured adequate capacity to respond to large-scale disasters.

The Department of Defense and the National Guard and Reserves in particular have a vital role to play in these reform efforts. The finding of the White House's lessons learned report on the national response to the disaster in the wake of Hurricane Katrina called for a "transformation" of the National Guard.² The White House report did not call for making the guard a domestic security force, but it did argue the guard needed force structure, training, and equipment more suited to its domestic response missions.

Why a Transformation?

Most disasters, including terrorist attacks, can be handled by emergency responders. Only catastrophic disasters—events that overwhelm the capacity of state and local governments—require a large-scale response.

In "normal" disasters, whether they are terrorist strikes like 9/11 or a natural disaster such as a flood or snow storm, a tiered-response is employed. Local leaders turn to state resources when they are exhausted. In turn, states turn to Washington when their means are exceeded. Both local and state leaders play a critical role in effectively communicating their requirements to federal officials and managing the response. In most disasters local resources handle things in the first hours and days until national resources can be requested, marshaled, and rushed to the scene. That usually takes days. With the exception of a few federal assets such as Coast Guard and Urban Search and Rescue, teams don't roll in until well after the response is well under way.

In catastrophic disasters, tens-or-hundreds of thousands of lives are immediately at risk. State and local resources may well be exhausted from the onset and government leaders unable to determine or communicate their priority needs. And unlike New York after 9/11 there were few place communities to turn for immediate help. Surrounding cities could quickly pitch in, over intact bridges, roads, and waterways. The small communities around cities like New Orleans, Biloxi, and Baton Rouge had little extra capacity before the storm. Now they have their own problems. National resources have to show-up in hours, not days in unprecedented amounts, regardless of the difficulties. That's a very different requirement for mounting a national response to normal disasters. In a catastrophic disaster the national response needs to be immediate, massive, and effective; not just because unprecedented numbers of people and property are at risk, but because the credibility of government at all levels are at risk as well. If citizens perceive the government response as credible that perception will measurably defuse the tension, fear, and frustration that accompanies the wake of a disaster and it prompt communities to be more self-confident and resilient in their own responses to the disaster.

² James Jay Carafano and Laura Keith, "Hurricane Katrina Lessons Learned: Solid Recommendations," Heritage Foundation *WebMemo* #998, February 23, 2006, at www.heritage.org/Research/HomelandDefense/wm998.cfm.

Having the military play a prominent role in the immediate response to catastrophic disasters makes sense. It would be counterproductive and ruinously expensive for other federal agencies, local governments, or the private sector to maintain the excess capacity and resources needed for immediate catastrophic response. On the other hand, maintaining this capacity would have real utility for the military. The Pentagon could use response forces for tasks directly related to its primary warfighting jobs—such as theater support to civilian governments during a conflict, counterinsurgency missions, and postwar occupation—as well as homeland security. Furthermore, using military forces for catastrophic response would be in accordance with constitutional principles and would not require changing existing laws. These forces would mostly be National Guard soldiers, which are the troops that have the flexibility to work equally well under state or federal control. They would, however, have to be supplemented with Reserve forces which in many cases have more suitable equipment and personnel to deal with various aspects of domestic emergencies.

What Would Transformed Forces Look Like?

There is a role for the Army, Air Force, and Navy in transforming the National Guard to provide the kinds of capabilities needed for the right force.

Land Forces

The land force needs to be large enough to maintain some units on active duty at all times for rapid response and sufficient to support missions at home and abroad. For catastrophic response, four components would need to be particularly robust: medical, security, critical infrastructure, and oversight.

Medical. The United States does not have the capacity to provide mass military medical assets that are well-suited for dealing with catastrophic casualties. The current defense medical support available for homeland security is too small and ill-suited for the task. Rather than field hospitals that take days and weeks to move and set up, the military needs a medical response that can deal with thousands of casualties on little notice, deploy in hours, assess and adapt existing structures for medical facilities, and deliver mass care to people in place rather than moving them to clinical facilities.

Security. Virtually no American community is prepared to deal with widespread disorder, particularly in an environment where infrastructure is widely disrupted or degraded. These will require a military response using specially trained and equipped personnel who are practiced at working with civilian agencies. These troops should prove equally adept at conducting counterinsurgency operations in urban terrain overseas, where neutralizing the enemy and protecting civilian lives and property are equally important. This force should look much more like a constabulary unit than traditional infantry forces or military police.

Critical Infrastructure. The U.S. military has the command, control, and assets and units capable of providing for immediate reconstitution and protection of critical resources; the

U.S. Army Corps of Engineers has the capacity and expertise to manage large-scale contracts under difficult, stressful conditions; and the Federal Emergency Management Agency (FEMA), which frequently partners with the military for disaster response, has the expertise to conduct needs assessments and coordinate community recovery. Response teams reinforced with a large cadre of Reserve contracting officers could be paired with the Corps of Engineers and FEMA to provide an effective infrastructure protection and recovery force for disasters at home or overseas.

Oversight. Any large-scale response will raise concerns about inefficiency, fraud, waste, and abuse. Maintaining the credibility of the response from the outset is essential. The response will undoubtedly involve multiple agencies. There will be a need to establish a Special Inspector General to provide trust and confidence that operations are being performed in an appropriate and transparent manner. This inspector general capability should be built into the force from the start and its mandate should include looking at intergovernmental and interagency coordination, program management, acquisition and contract management, and human resources.

Air

Homeland security forces should be self-deployable and self-sustaining and capable of operating in austere environments where critical infrastructure is significantly degraded. The Air Force's efforts to enhance its expeditionary airfield capability overseas will be well-suited to domestic security in the United States. The Air Force needs to develop a strategic plan to base its Air National Guard forces that support these missions in coordination with the land response forces. In addition, the Air Force's Light Cargo Aircraft program will be essential for future domestic security missions. Finally, the air force should look to reduce its less necessary in traditional air security missions such as air patrols, these missions might be more properly done by the Coast Guard and Customs Border Protection Air assets in the Department of Homeland Security and ground based defense systems.³ On the other hand, there is clearly a role for the service to participate in theater and cruise missile defenses that might be needed to protect the U.S. homeland under some contingencies.⁴

Sea

The emerging potential for maritime threats and low-altitude attacks, as well as the utility of maritime forces in responding to many catastrophic disasters also augurs the need for an organizational structure that better utilizes the Navy's capacity to support homeland security. Several states with maritime interests already have state naval militias. In fact, the New York Naval Militia assisted in the response to the terrorist attacks of September

³ Jack Spencer and James Jay Carafano, "The Use of Directed-Energy Weapons to Protect Critical Infrastructure," Heritage Foundation *Backgrounder* #1783, August 2, 2004, p.1, at www.heritage.org/Research/NationalSecurity/bg1783.cfm.

⁴ James Jay Carafano, Ph.D., and Alane Kochems, "Making the Sea Safer: A National Agenda for Maritime Security and Counterterrorism," Heritage Foundation *Special Report* #03, February 17, 2003, p. 10-11, at www.heritage.org/Research/HomelandDefense/sr03.cfm.

11, 2001. Creating a Navy Guard to include all coastal states would offer several advantages. A Navy Guard would provide coastal states with more resources to address their state maritime security and public safety requirements. Unlike the Coast Guard, the Navy Guard would focus on state needs when not on active federal service. It would also provide an organization within the National Guard and the Navy that treats homeland security missions as an inherent responsibility and would work to develop the requisite competencies and capabilities to fully support these tasks. Finally, a Navy Guard would provide a suitable partner for the U.S. Coast Guard to ensure seamless integration of daily the Defense and Homeland Security departments' maritime operations.

What About the Forgotten Guard?

As we consider how to implement the White House mandate to transform the National Guard, serious consideration is needed for a too long neglected issue—the appropriate role of State Defense Forces in the national response.

U.S. law allows states to raise and maintain state defense forces (SDF). These forces can be critical to states when their National Guard forces are deployed on federal missions. And, as the emergency response to Hurricane Katrina demonstrated, these groups can be an important supplement to the National Guard, particularly during catastrophic disasters. When trained, disciplined, and well organized, local responders are essential for providing immediate aid and security. The Pentagon and the Department of Homeland Security should play a role to encourage states to better organize, train, equip and plan for the employment of these volunteer units.⁵

State and local governments will always need to draw support beyond their core of professional emergency responders for a catastrophic disaster.⁶ While the National Guard is often the source of this support, it may not be enough. In addition, if the National Guard is deployed the state must have a credible alternative. The Constitution authorizes the states to form other guards and militias. Some states have these volunteer groups. They are of varying quality and utility. These volunteer groups could be useful backup asset for catastrophic disaster. I do not recommend federal funding for state guards, but I do think the federal government should set national standards and provide incentives to states to address the readiness of their volunteer defense forces.⁷

- Require the Department of Defense, in cooperation with the Department of Homeland Security, to draft national performance standards for state volunteer defense forces.

⁵ James Jay Carafano, Ph.D., and John R. Brinkerhoff, "Katrina's Forgotten Responders: State Defense Forces Play a Vital Role," Heritage Foundation *Executive Memorandum* #984, October 5, 2005, p. 1, at www.heritage.org/Research/HomelandDefense/em984.cfm.

⁶ John R. Brinkerhoff, "Who Will Help the Emergency Responders?," Heritage Foundation *Lecture* #882, June 2, 2005, at www.heritage.org/Research/HomelandDefense/hl882.cfm.

⁷ Arthur N. Tulak, et al., "State Defense Forces and Homeland Security," *Parameters* (Winter 2003-04), pp. 132-46.

- Authorize federal departments to advise and evaluate these forces and allow state defense personnel to undertake military and homeland security training and education opportunities at the state's expense.

What Has to Change?

There is no money in the defense budget for the kinds of transformation that is really needed to fulfill the White House mandate. Indeed, there is not enough money in the proposed long-term spending plans for the Pentagon to pay for the force envisioned by the most recent Quadrennial Defense Review (QDR). The QDR's greatest failure is that it did not alert Americans to this danger.

In the periods following World War II and the Vietnam War, the United States had what is referred to as a "hollow force"—insufficient resources to provide for adequate training, new weapons and equipment, and ongoing operations. The United States must prevent the hollow force from recurring.⁸ The danger of returning to a hollow force is real. Few would believe that the share of the U.S. economy devoted to defense spending is actually *projected to decrease*, but a new study by the Congressional Budget Office reveals that this is in fact the case. The defense budget as a proportion of U.S. GDP fell from an average of 6 percent in the 1980s to 4 percent in the 1990s. The CBO now predicts that defense spending will drop to 3 percent of GDP by 2011 and 2.4 percent by 2024.⁹

The defense budget is heading in the wrong direction, and given the projected growth in entitlement spending, the problem is likely to grow worse in the long term. Given the threats, this path is too dangerous to take. Sustained long-term budget increases over those currently projected by the CBO are necessary to ensure that America's forces are prepared for an unpredictable future. The QDR failed to make the case for higher defense spending nor did it highlight that lack of entitlement and tax reform are becoming national security issues, because the lack of will to address these problems will mean their won't be enough to pay for the defense we need in the 21st century. The President and Congress will have to address the entitlement and tax reform issues to create any credible hope that their will be enough in future defense budgets to pay for the transformation of the force.

Even if there is enough money in future defense budgets to pay for the military we need, transformation of the National Guard won't occur without some fundamental changes in how we fund the force. The Total Force Concept is inadequate and counterproductive.¹⁰

⁸ James Jay Carafano and Paul Rosenzweig, *Winning the Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom* (Washington, D.C.: The Heritage Foundation, 2005), p. 34, at www.heritage.org/Research/HomelandDefense/the-long-war-ch1.

⁹ Congressional Budget Office, "The Long -Term Implications of Current Defense Plans and Alternatives: A Summary Update for Fiscal Year 2006," December 9, 2005, p. 8, at www.cbo.gov/ftpdocs/67xx/doc6786/10-17-LT_Defense.pdf (April 29, 2006).

¹⁰ James Jay Carafano, "The Army Reserves and the Abrams Doctrine: Unfulfilled Promise, Uncertain Future," Heritage Foundation *Lecture* #869, April 18, 2005, at www.heritage.org/Research/NationalSecurity/hl869.cfm.

A suitable replacement for the Total Force Concept would have to achieve three critical objectives.

- Future Army investments must balance needs to sustain a trained and ready force, modernization, and current operations, ensuring that the Army does not again become a hollow force.
- Reserve Component policies and programs must be revamped and resourced to increase the capacity of citizen soldiers to respond rapidly to the wide range of emerging missions. We must implement the concept of a continuum of service, rather than maintain bright lines that distinguish active from reserve career paths.
- Defense leaders—civilian, Active, and Reserve—must abandon their commitment to traditional policies and force structures that had the virtue of preserving the status quo but limited the value of Reserve forces to adapting to future needs.

Perhaps most of all, the military requires a new funding paradigm—a paradigm in which National Guard needs no longer represent an afterthought.

What Does Not Need to Change?

The government response to Hurricane Katrina renewed debate over the efficacy of the Posse Comitatus Act, which prohibits the Pentagon from conducting domestic law enforcement. Amending the law to grant federal troops greater authority in restoring order in the wake of a domestic emergency is a bad idea. Establishing ways to ensure that the military is better prepared to respond to disasters makes sense, but changing Posse Comitatus would be a mistake. Altering the law in this way would undermine the principles of federalism, expanding the federal government's authority at the states' expense. Rather, Congress should restructure the military so that it is better prepared to respond quickly.

Under the Posse Comitatus Act, the armed services are generally prohibited from engaging in law enforcement activities inside the United States, such as investigating, arresting, or incarcerating individuals, except as authorized by federal law. The National Guard, however, enjoys a unique legal status. Guard troops are frequently referred to as citizen soldiers, part of the military's substantial Reserve components. Reserve forces are called to active service only for limited periods, such as for annual training or overseas deployments. When not on active duty, National Guard units remain on call to support the governors of their respective states. Posse Comitatus does not apply to National Guard forces unless they are mobilized as federal troops. As a result, the Guard plays the primary role in augmenting state and local law enforcement under state control, while the Defense Department plays a supporting role, providing resources and logistical support.

Furthermore, the Posse Comitatus Act has never been a serious obstacle to using federal forces to support domestic operations. For example, federal forces helped to quell riots by miners in Idaho in 1899; protected James Meredith, the University of Mississippi's first black student, in 1961; assisted in controlling the 1992 Los Angeles riots; and helped to reestablish order in the aftermath of Hurricane Katrina. In fact, federal forces have been

used to enforce laws over 175 times in the past 200 years under the authority of laws such as the Insurrection Act.

One change which might be appropriate is in regard to the status of the Reserves. The law should provide the flexibility to mobilize Reserves under Title 32 status to respond to catastrophic disasters. In this manner, Reserves could be more easily incorporated into the formations that would be employed for homeland security.

Conclusion

The White House, House, and Senate reports on response to Hurricane Katrina clearly outline lessons learned and make the case for a more deliberate and structured effort from the Department of Defense for disasters response, a response centered on the National Guard and Reserve. Such an effort must be centered on the critical federal missions and capabilities needed in the Guard and Reserves for domestic response, and such transformation must move forward under laws that respect federalism and within policy programs that are fully funded.

Thank you for the opportunity to testify before the Commission. I look forward to your questions.